

NANCY SWEENEY
CLERK DISTRICT COURT

2014 JUL 25 AM 9:56

FILED LISA KALLIO

BY ~~LISA KALLIO~~
DEPUTY

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY
Before THE HONORABLE MICHAEL MENAHAN, Presiding Judge

THE STATE OF MONTANA,

Plaintiff,

-vs-

WILLIAM R. NOONEY,

Defendant.)

7.16.14 7.16.2020
No. ADC 2013-277
Surcharge \$80-

JUDGMENT AND COMMITMENT

An Information was filed charging the above-named defendant with the offenses of Count I -FAILURE TO REGISTER AS A SECURITIES SALESPERSON, Common Scheme, a felony, Section 30-10-201(1), MCA, alleged to have occurred on or about February 13, 2008, through April 19, 2009; Count II - FRAUDULENT PRACTICES, Common Scheme, a felony, Section 30-10-301(1)(c), MCA, alleged to have occurred on or about February 13, 2008, through June 6, 2008; Count III - FRAUDULENT PRACTICES, Common Scheme, a felony, Section 30-10-301(1)(c), MCA, alleged to have occurred on or about August 1, 2008, through March 16, 2009; Count IV - FRAUDULENT PRACTICES, Common Scheme, a felony, Section 30-10-301(1)(c), MCA, alleged to have occurred on or about March 2009, through April 19, 2009. On October 16, 2013, the defendant appeared in open court with his attorney, Milton

1 Datsopoulos, and pleaded not guilty to the offenses charged.

2 On March 19, 2014, the State moved the Court for leave to file an Amended Information.
3 There being no objection from the defendant, the Court granted the State leave to file an
4 Amended Information directly in District Court.

5 On April 16, 2014, a hearing was held for the purpose of entering a change of plea at
6 which the defendant was present with his attorney, Milton Datsopoulos, and the State was
7 represented by Jameson Walker and Nick Mazanec, Special Assistant Attorneys General for the
8 State of Montana and Special Deputy County Attorneys for Lewis and Clark County. The State
9 moved the Court for an order dismissing Counts II-IV, and the Court granted the State's
10 motion.

11 The defendant advised the Court that he was prepared to enter a guilty plea to the
12 remaining offense charged in the Amended Information, and presented to the Court a
13 document entitled, Acknowledgment of Waiver of Rights by Plea of Guilty. The Court
14 determined from the defendant and his attorney that the defendant was entering his plea
15 knowingly and voluntarily and that he was aware of his constitutional and statutory rights that
16 he would waive by entering plea of guilty. The Court determined that there was a factual basis
17 to believe that the defendant had committed the offense charged and accepted the defendant's
18 guilty plea. The Court ordered a pre-sentence investigation report to be prepared by the
19 Montana Department of Corrections prior to sentencing.

20 On July 16, 2014, a sentencing hearing was held at which the defendant was present with
21 his attorney, Milton Datsopoulos, and the State was represented by Jameson Walker and Nick
22 Mazanec, Special Assistant Attorneys General for the State of Montana and Special Deputy
23 County Attorneys for Lewis and Clark County. A pre-sentence investigation report, prepared
24 by Montana Department of Corrections Probation/Parole Officer Cathy Dorle, was provided to
25 all involved parties prior to sentencing. The Court, having considered the report, the
26 testimony and evidence presented, and the arguments of counsel, and being fully advised in the
27 premises, entered the following JUDGMENT AND COMMITMENT:

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that for the felony offense of
2 Count I – FAILURE TO REGISTER A SECURITIES SALESPERSON, Common Scheme, the
3 imposition of sentencing of the defendant is deferred for a period of six (6) years, upon the
4 following conditions:

5 1. The defendant shall submit to DNA testing, pursuant to Section 44-6-103, MCA.

6 2. The defendant shall not knowingly associate with probationers, parolees, prison
7 inmates, or persons in the custody of any law enforcement agency without prior approval from
8 his supervising officer. The defendant shall not associate with persons as ordered by the Court
9 or BOPP.

10 3. The defendant shall not enter any casinos or gambling establishments until all financial
11 obligations in this matter have been paid in full.

12 4. The defendant shall pay a \$50 pre-sentence investigation report preparation fee. The
13 Defendant shall submit this payment to the Department of Corrections Collection Unit, P.O.
14 Box 201350, Helena, MT 59620.

15 5. The defendant is prohibited from gambling.

16 6. The defendant shall be placed under the supervision of the Montana Department of
17 Corrections, subject to all regulations and rules of the Adult Probation and Parole Bureau.

18 7. The defendant shall obtain prior written approval from his supervising officer before
19 taking up residence in any location. The defendant shall not change his place of residence
20 without first obtaining written permission from his supervising officer or the officer's designee.
21 The defendant shall make the residence open and available to an officer for a home visit or for a
22 search upon reasonable suspicion. The defendant shall not own dangerous or vicious animals
23 and shall not use any device that would hinder an officer from visiting or searching the
24 residence.

25 8. The defendant shall obtain permission from his supervising officer or the officer's
26 designee before leaving his assigned district. The Court retains jurisdiction regarding any
27 future disputes regarding this travel restriction.

1 9. The defendant shall seek and maintain employment or maintain a program approved by
2 the BOPP or the supervising officer. Unless otherwise directed by his supervising officer, the
3 defendant shall inform his employer and any other person or entity, as determined by the
4 supervising officer, of his status on probation, parole or other community supervision.

5 10. The defendant shall not, whether in his position of employment or otherwise, and
6 whether or not compensated to do so: offer, sell, or negotiate or solicit the sale of any security,
7 investment, or other financial product or service; offer any recommendation regarding the
8 advisability of the purchase or sale of any security, investment, or other financial product or
9 service; serve in any capacity exercising control over the funds of clients, including serving in a
10 fiduciary capacity; serve in any capacity in which he manages or exercises control over any
11 portion of the funds or accounts of an employer, community organization, or other entity or
12 program with which he is affiliated.

13 11. Unless otherwise directed, the defendant shall submit written monthly reports to his
14 supervising officer on forms provided by the probation and parole bureau. The defendant shall
15 personally contact his supervising officer or designee when directed by the officer.

16 12. The defendant is prohibited from using, owning, possessing, transferring, or controlling
17 any firearm, ammunition (including black powder), weapon, or chemical agent such as
18 oleoresin capsicum (bear) or pepper spray.

19 13. The defendant shall obtain permission from his supervising officer before engaging in a
20 business, purchasing real property, purchasing an automobile or incurring a debt.

21 14. Upon reasonable suspicion that the defendant has violated the conditions of
22 supervision, a probation and parole officer may search the person, vehicle, and residence of the
23 defendant, and the defendant shall submit to such search. A probation and parole officer may
24 authorize a law enforcement agency to conduct a search, provided the probation and parole
25 officer determines reasonable suspicion exists that the defendant has violated the conditions of
26 supervision.

27 15. The defendant shall comply with all municipal, county, state, and federal laws and
28

ordinances and shall conduct himself as a good citizen. The defendant shall, within 72 hours, report any arrest or contact with law enforcement to his supervising officer or designee. The defendant shall be cooperative and truthful in all communications and dealings with any probation and parole officer and with any law enforcement agency.

16. The defendant shall pay \$50.00 for victim and witness advocate programs.

17. The defendant shall pay \$10.00 for the court information technology fee.

18. The defendant shall pay costs of legal fees and expenses defined in Section 25-10-201, MCA, plus costs of jury service, prosecution, and pretrial, probation, or community service supervision or \$100 per felony case, whichever is greater.

19. The defendant shall pay all fines, fees, and restitution ordered by the sentencing Court.

20. The Court ordered the defendant to pay restitution in the amount of \$335,767.50 to the victims listed in the Restitution Stipulation filed in this matter. The Court waived the 10% administrative handling fee. The defendant shall pay both restitution and probation/parole supervisory fees (Section 46-23-1031, MCA) in the form of money order or cashier's check containing a reference to his full name and court cause number, to be mailed to the following address: DEPARTMENT OF CORRECTIONS - COLLECTIONS UNIT, PO BOX 201350, HELENA, MT 59620 (technicians may be reached at toll free number 1-800-801-3478). (The defendant is advised by the Department that no receipt will be provided to him, so it is imperative that he retain a carbon copy of the money order/cashier's check). Should the defendant be placed in a state institution, he shall forfeit a portion of all income toward his restitution obligation.

The defendant shall pay the remainder of his financial obligation, i.e., surcharges, costs and fines, to the Court's restitution finance officer located in the Courthouse, 228 Broadway, Helena, MT 59601 (406-447-8231, telephone), on a schedule which he shall arrange with the officer. The defendant shall advise the officer of any factors which may affect his ability to pay his financial obligation or the officer's ability to contact him.

1 Pursuant to Section 46-18-116, MCA, the parties are advised that if a written
2 judgment and an oral pronouncement of sentence or other disposition conflict,
3 the defendant or the prosecutor in the county in which the sentence was imposed
4 may, within 120 days after filing of the written judgment, request that the court
5 modify the written judgment to conform to the oral pronouncement. The court
6 shall modify the written judgment to conform to the oral pronouncement at a
7 hearing, and the defendant must be present at the hearing unless the defendant
8 waives the right to be present or elects to proceed pursuant to Section 46-18-115,
9 MCA. The defendant and the prosecutor waive the right to request modification
10 of the written judgment if a request for modification of the written judgment is
11 not filed within 120 days after the filing of the written judgment in the sentencing
12 court.

13 In imposing the foregoing sentence, the Court considered the parties' plea agreement and
14 the pre-sentence investigation report.

15 If the defendant has not already done so, he shall report to the Lewis and Clark County Jail
16 for the purpose of getting processed (booked/fingerprinted).

17 Any instrumentalities of the crime or contraband seized during this investigation are
18 forfeited and shall be disposed of as provided by law.

19 Any bond posted in this matter is exonerated.

20 Done in open court the 16th day of July, 2014.

21 DATED at Helena, Montana, this 24th day of July, 2014.

22 
23 MICHAEL MENAHAN, DISTRICT COURT JUDGE
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned certifies that on the 25th day of July, 2014, a copy of the foregoing was served upon the defendant by mailing a copy of the same, by United States mail, postage prepaid, to defendant's counsel of record, addressed as follows: Mr. Milton Datsopoulos, Datsopoulos, MacDonald & Lind P.C., Central Square Building, 201 W. Main Street, Suite 201, Missoula, MT 59802

Reba Mervine